G. R. S. III—1] 191 .

GENERAL AND REVENUE SECRETARIAT.

(Courts .)

NOTES.

File No.

FILE HEADING.

Proviso to G [illegible] Rules, Civil Procedure Code

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

Extract from letter no 1729 & 21st March 1911, from the Fist. to the Hon'ble the Resident in Mysore

—

3. "I am to add that the Government of India have no objection to the Durbar exercising the ~~power~~ power reserved in the Bill to amend the Rules of Procedure contained in the First Schedule thereto, on the condition that the Resident is informed of all changes proposed."

—

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G. R. S. III-2)

13

General and Revenue Secretariat. | Ch File No. 206 of 1919.

Serial No.

Extract from letter no R.O.C. 776 of 1917 18 & 3/6 th Jan 1920 from the Registrar Chief Court of Mysore to the Chief Secretary.

- - - - - - -

- - - - - - - - -

" I am directed to state that the matter was referred to the Rule Committee & they have unanimously resolved that the Insolvency Regulation should be amended as already proposed by this Court ..... & that in addition the following proviso as in Madras, to O XXI R. 40 Sub rule (5) should be added :-

" Provided that, in order to give the Judgment-debtor an opportunity of satisfying the decree, the Court before making the order of Committal may leave the Judgment-debtor in the Custody of an officer of the Court for a specified period not exceeding ten days, or release him on his furnishing security to the satisfaction of the Court for his appearance at the expiration of the specified period if the decree be not sooner satisfied."

The Judges fully agree with the resolution of the Rule Committee & I am therefore to request that the Government may be pleased to accord their sanction for the addn

NOTE—Contn. sheet.

1647

G. R. S. III-2)

General and Revenue Secretariat. | Ch File No. 285 of 191 .

DIARY No. 1647 Serial No.

1919 - 20
SECT: Ch
FILE: 908-19
SERIAL NO.

OF SECRETARIAT
III
PROTECTION BR.
9 MAR 1920

XVol Rules

Regs. S.

Ch
16/3

5150
22.3.20

NOTE—Contn. sheet.

of the proviso"

1) Hon Secretary's Order (noted in Regs 15 of 18)
"Action may at once be taken in the Courts Section about the rule proposed by the Chief Court"
(hd) P.M. 21/2

2) The proposed draft Rule has been published in the Mysore Gazette of 4 Dec 1919 ✗

3) The Resy has to be intimated of the proposed amendment before the issue of the Government sanction

4) Submitted with a draft to the Resy, for approval

9/3/1920 16/3

5) Please push up the Residency letter of 1911 or an extract of it

D.M. 15/3

Since the letter itself is not available, an extract of it (relating to the particular portion in question) is put up as ordered above
Submitted

16/3/1920

7) Draft letter to Residency is submitted for appl

D.M. 21/3

III Member

8) But how can a Government debtor be kept in the custody of the Court when the Court has no jurisdiction if the Government debtor escapes.

Mitter 24/3 9) Enquire by W

16471

G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. 208 of 1919.

Serial No.	
	10) Submitted with a draft d/o. as per orders above 27/3/1920 11) Issues D. 6/4
1	To The Registrar, Chief Court. Mem. D.O. No. J.23185 dt 8th April 1920. Requests to intimate how a judgment debtor can be left in the custody of an officer of the Court & who is to be responsible if the debtor escapes from such custody.
2	From The Registrar, Chief Court. D.O. no 1067 J/14.4.20 With reference to the above states that, under rule 24 of the Process Rules (page 126 of the Civil Digest), judgment-debtor may be left in the custody of his process peons and adds that the process peons are officers of the Court - and escape from their custody can be dealt with under Sec 225 B, I.P.C. 12) Submits with reference to para 8. A.J. 16/4 15/4 13) Under the said rule a J/D. debtor can be left in the custody of p. peons only under the express order of the Court. D. M. 16/4 III Member 14) Papers appd. 29/4.

5983
7.4.20.

9/4

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat. | 15 File No. 208 of 1919-20.

Serial No.

1) Draft Bill addressed to the Residency is subd for appl

D. M. 29/4

6085 / 30.4.20

II Member

2) In his draft Bill Residency is mean a Notified Area to which rule as framed by Madras High Court, Madras High Court

Illegible 6/5

3) Manoeuvres the 1916

4) At the end of para 2 of in the draft already submitted, a sentence has been added as ordered in para 6) above

Subd.

5) Draft being upon in person

D. M. 7/5

6) Revised draft subd for appl

D. M. 10/5

6320 / 10-5-20

III Member

7) Appd

13/5

8) Issue

D. M. 13/5

To

3 The H. A. Resident.

No. Pol. 1258 dt 15th May 20.

Requests to inform the Hon'ble the Resident the proposed proviso to 6 XXI R. 40, Civil Procedure Code

NOTE—Contn. sheet.

G. R. S. III-2]

General and Revenue Secretariat.

Ch File No. 7·8 of 191 7.

Serial No.	
4	From,
	The F.A. Resident in Mysore
	No. 4576 & 25th May 1920 recd. on 29-5-1920
	Acknowledges the communication [illegible]
	23) Submits him a draft sanad for approval.
	KR 31/5/20 24) The draft is noted in margin. Vide blue pencil marks. A few lines in the proposed sanad have been omitted in the draft. D. M. 9/6
	25) Subs. with a draft inserting the portion left out by mistake
	KR 16/[illegible]/1896 26) Subs for draft D. M. 29/6
	III Members 27) Appd 30/6
	28) Issued D. M. 1/7

8274 29.6.20

NOTE—Contn. sheet.

P.T.O.

2824 (8

G. R. S. III-2]

General and Revenue Secretariat. | Ch File No. 208 of 19[illegible].

Serial No.	
5	To The Registrar, Chief Court. No. G. 229 Dy 6th July 1920. Sanctions the amendment of Rule 40, Order XXI of the Civil Procedure Code

CHIEF SECRETARIAT
III
PROTECTION BRANCH
24 JUL 1920

NOTE—Contn. sheet.

6/11

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....1/5671.....

GENERAL AND REVENUE SECRETARIAT

( )

, *the* *191* .

Date of issue.....8/4.....

Signed by.....

Section . I

File No. 208-19

Serial No. 11-

D.O. **No.** 23185

To

Dear Sir,

With reference to your letter no. R.O.C. 776 of 1917-18 & 3/6 th Jan 1920, I am desired to request you to kindly intimate how ~~the~~ a judgment debtor can be left in the custody of ~~the~~ an officer of the Court and who is to be responsible if the judgment-debtor escapes from such custody.

Yours Sincerely

D. 11/4.

To,

G. Sreenivasaliyer Esq BA. ML

Registrar, Chief Court

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

D.O. letter No. 106 19-20.

28861 10

No. 208-19-2

Chief Court of Mysore,

Bangalore,

Dated 12th April 1920.

14

Dear Sir,

With reference to your D.O. No: G. 23185/Cts dated the 8th April 1920 requesting information as to how a judgment-debtor can be left in the custody of an officer of the Court and who is to be responsible if the judgment-debtor escapes from such custody, I am directed to state that under rule 21 of the Process Rules (page 126 of the Civil Digest) judgment-debtor may be left in the custody of two process peons, and to add that the process peons are officers of the Court and escape from their custody can be dealt with under section 225 B, Indian Penal Code.

Yours sincerely,

Srinivasa Rao

To

P. Mahadevayya Esq., B.A., B.L.,

Assistant Secretary to Government,

Bangalore.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

G. R. S. VI—G/32]

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

Section 6h

File No.

Serial No. 3

GENERAL AND REVENUE SECRETARIAT

( )

the 191 .

No. Pol 1258

Date of issue 15th May 1920 To

Signed by M. C. S. B. Iyer

The F. A. Resident in Mysore

Sir,

I) Adverting to your letter no. 1729 dated the 21st March 1911, I am directed to state that it is proposed to add the following proviso to Order XXI, Rule 40 Sub-rule (5), Civil Procedure Code :-

"Provided that, in order to give the Judgment-debtor an opportunity of satisfying the decree, the Court before making the order of committal

P.T.O.

may leave the judgment-debtor in the custody of an officer of the Court for a specified period not exceeding ten days, or release him on his furnishing security to the satisfaction of the Court for his appearance at the expiration of the specified period if the decree be not sooner satisfied."

The object of this proviso is to give further time to such judgment-debtors for applying either to obtain satisfy the decree or to file an insolvency application within that period.

A similar rule has been framed by the Madras High Court.

3) I am to request that the Hon'ble the Resident may be informed of the proposed amendment.

4) ——————————

List of enclosures.

Copied by

Examined by

A similar rule has been framed by the Madras High Court.

WD 1744—GPB—30,000—19-3-19

P.M. 11/3

for Chief Secy

9/6/20

Ch Secy: Pol 1587
25 MAY 1920

21821 13

19 20
Ch

R. O. 2.—R. P. B.—2-1920.—5000.

No. 4576 208 - 9
4

13/3-40

FROM

MAJOR C. T. C. PLOWDEN, I. A.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Chief Secretary to the Government
of His Highness the Maharaja of Mysore,

Dated Bangalore, 25th May 1920

SIR,

I am directed to acknowledge, with thanks, the receipt of your letter No. Pol: 1258, dated the 15th May 1920, communicating for the information of the Hon'ble the Resident, the addition - - which the Durbar propose to make to Rule 40 sub-rule 5 of Order - XXI of the Code of Civil Procedure, 1911.

I have the honour to be,
Sir,
Your most obedient servant,

First Assistant Resident.

MA

14

G.R.S. VI-71]

SUBJECT ..... Amendment of Rule 40, Order XXI, Civil Procedure Code.

Diary No. of letter replied to 2421

Section Ch.

File No. 208-19

Serial No. 5

General and Revenue Secretariat

( )

, the 191 .

Proceedings of the Government of His Highness the Maharaja of Mysore.

Date of issue 6/7

Signed by M. Rao

Read—

Letter No. R.O.C. 776 of 1917-18 dated 3/6 Jan 1920, from the Registrar, Chief Court of Mysore, requesting Sanction of Government for amending rule 40, Order XXI, Civil Procedure Code, by adding the following proviso to Sub-rule (5) for reasons stated therein:-

"Provided that, in order to give the Judgment-debtor an opportunity of satisfying the decree, the Court before making the order of Committal may leave the Judgment-debtor in the Custody

May this be

i Printed ?

treated as a standing order ?

published in the Gazette, English Part ?

translated ?

v placed at the disposal of the press ?

vi published in the Gazette, Kannada Part ?

~~Order Thereon—No.~~

15

of an Officer of the Court for a specified period not exceeding ten days, or release him on his furnishing Security to the satisfaction of the Court for his appearance at the expiration of the specified period if the decree be not sooner satisfied."

Order no: 5229

Sanctioned

21/6

List of enclosures.

For Chief Secy

To

The Registrar, Chief Court 5230
(Under a.c.l.)

Copied by

Examined by

KR
19/6/920
1520

WD 1744—GPB -30,000- 17-3-19